



**HOME BUILDERS & REMODELERS ASSOCIATION
OF CONNECTICUT, INC.**

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February 13, 2013

To: Senator Steve Cassano, Co-Chairman
Representative Jason Rojas, Co-Chairman
Members of the Planning and Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Proposed Bill 5968, AA Clarifying the State Plan of Conservation and Development**

The HBRA of Connecticut is a professional trade association with about nine hundred (900) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. While our membership has declined over the course of our seven-year Great Recession from its high of 1,500 members, we build between 70% to 80% of all new homes and apartments in the state each year.

We strongly support proposed bill 5968 to correct a significant deficiency in how the state plan of conservation and development (POCD) is used by some state agencies, causing conflicts with municipalities and thwarting proposed economic and housing developments. We also offer the attached draft statutory language for your consideration.

We provided to the Continuing Legislative Committee on State Planning & Development the extensive comments that Tim Hollister filed on our behalf before OPM on its draft 2013-2018 POCD. These comments can be found at:

<http://www.hbact.org/associations/5098/files/Joint%20Comment%20on%20Draft%202013-18%20State%20POCD.pdf>

The crux of the issue is two-fold: First, the "locational guide map" (LGM) that is attached to and made part of the POCD is itself replete with inaccuracies due to incomplete and inaccurate data inputs as well as the statewide scale of the map that does not translate well at all to individual parcels the POCD impacts. **Second**, the reliance on the LGM, versus on the text of the plan, by agencies such as DEEP to make POCD consistency decisions that impact economic and housing development proposals compounds the problems created by the inaccurate map.

Our legislative proposal, therefore, is to simply delete the locational guide map from the state POCD and, therefore, delete use of the LGM by state agencies to make state POCD consistency decisions. The 2013-2018 draft text of the state POCD, up to the LGM chapter, is very good. The six growth management principles are all planning criteria that should be considered when making development and conservation

consistency decisions. OPM is to be commended for outlining these important planning criteria especially in the context of the many various legislative requirements that the agency has had to incorporate. **However, as long as the map exists the text will not be read.** It is too easy to default to the map rather than do the hard work of reviewing competing planning principles outlined in the text. **Therefore, it is not sufficient to merely acknowledge in the plan's text, as OPM has done in the LGM chapter, that the map "is not intended to be utilized, by itself, as a basis for a state agency to approve or deny funding when rendering applicable funding decisions."**

Moreover, the LGM's new classifications and criteria are more complicated than the prior policy-based classifications, which also suffer from the same inaccuracy and scale issues. This is largely due to the evolution of and complicated requirements imposed on the POCD (and on OPM) by the legislature, but **given the six growth management principles, this level of complexity is both unnecessary and unproductive to sound planning and funding decisions.**

In the hands of a good planner, the text of the POCD by itself should become a good document upon which to make consistency decisions. However, having stated that and while we urge your support for deleting the LGM from the plan, state agency consistency reviews that are based on the POCD text will be also subject to potential abuse. A state agency staff person in charge of a consistency decision could predetermine an issue because they like or don't like a proposed development and find text in the plan to support their decision. This would not be sound planning and we urge the committee to watch for this if a new "mapless" consistency review process is adopted. Nonetheless, we believe deleting the locational guide map from the state POCD leads state agencies down a better land use planning decision tree.

Thank you for considering our views on this important matter.

Attachment: Draft bill to delete the LGM from the state POCD

HB 5968, AA Clarifyng the State Plan of Conservation & Development

Proposal to delete use of a locational guide map or similar map within the state plan of conservation and development.

1 Section 1 (NEW) (*Effective from passage*). Notwithstanding any other provision of
2 the general statutes, the state plan of conservation and development authorized
3 under chapter 297 of the general statutes shall not contain a locational guide map
4 or similar map that divides the state into different conservation, development or
5 other areas. Each state agency or other authority that is required to determine
6 whether any type of funding or other action is consistent with such state plan
7 shall make such determination based on the text of such plan.

8 Section 2. Section 16a-25 of the general statutes is repealed and the following is
9 substituted in lieu thereof (*Effective from passage*):

10 Sec. 16a-25. Definitions. As used in this chapter:

11 (1) "Process" means the procedure for adopting, amending, revising and
12 implementing a state plan of conservation and development;

13 (2) "Existing plan" means the plan promulgated by Executive Order No. 28,
14 September 27, 1974;

15 (3) "Secretary" means the Secretary of the Office of Policy and Management;

16 (4) "Committee" means the continuing legislative committee on state planning
17 and development established pursuant to section 4-60d;

18 (5) "Adoption year" means the calendar year which is no later than five years
19 subsequent to the year in which the plan was last adopted in accordance with the
20 process established in this chapter;

21 (6) "Revision year" means the calendar year immediately preceding the adoption
22 year;

23 (7) "Prerevision year" means the calendar year immediately preceding the
24 revision year;

25 (8) "State agency" means any state department, institution, board, commission or
26 official; and

27 (9) "Plan", when referring to the state plan for conservation and development,
28 means the text of such plan[and any accompanying location guide map].

29 Section 3. Subsection (b) of section 16a-32 of the general statutes is repealed and
30 the following is substituted in lieu thereof (*Effective from passage*):

31 Sec. 16a-32. (b) Without initiating a revision of the plan and after receiving
32 written approval from the committee, the secretary may undertake interim
33 changes in the plan upon the secretary's own initiative or upon application by (1)
34 the chief executive officer of a municipality, with the approval of the legislative
35 body of such municipality, or (2) any owner of real property or any interest
36 therein on which a change is proposed. No application for an interim change
37 from a municipality under subdivision (1) of this subsection may be submitted
38 unless (A) the municipality in which the change is proposed has a plan of
39 conservation and development that has been updated in accordance with section
40 8-23, and (B) the application includes evidence, in writing, of the opinion of the
41 planning commission of the municipality regarding the interim change. The
42 secretary shall adopt regulations in accordance with chapter 54 to establish
43 procedures for applications for such interim changes by any person, political
44 subdivision of the state or state agency. Such regulations shall include, but need
45 not be limited to, provisions for interviews and consultations with local planning
46 and zoning commissions or, in those municipalities which have adopted the
47 provisions of chapter 124 but which do not have a zoning commission, the
48 persons designated to exercise zoning powers pursuant to section 8-1, review of
49 local plans of development and public hearings. The secretary shall notify the
50 chief executive officer and the persons exercising planning or zoning powers in
51 any municipality which is the subject of an application for change in the
52 **[locational guide map] plan** and shall notify any members of the General
53 Assembly representing any area which is the subject of such an application. A
54 joint public hearing by the secretary and the committee shall be held in any such
55 municipality if requested by any chief executive officer or planning or zoning
56 official notified by the secretary pursuant to this subsection. The committee shall
57 also hold a hearing in addition to any hearing required to be held in any
58 municipality concerning the **[locational guide map] plan** on any other proposed
59 changes. After such public hearing, the committee shall approve or disapprove
60 the application and notify the secretary of its decision not more than ten days
61 thereafter. The secretary shall make interim changes in the plan to reflect the
62 approved changes.

63 Section 4. Section 32-1o of the general statutes is repealed and the following is
64 substituted in lieu thereof (*Effective from passage*):

65 Sec. 32-1o. State economic strategic plan. (a) On or before July 1, 2009, and
66 every five years thereafter, the Commissioner of Economic and Community
67 Development, within available appropriations, shall prepare an economic
68 strategic plan for the state in consultation with the Secretary of the Office of
69 Policy and Management, the Commissioners of Energy and Environmental
70 Protection and Transportation, the Labor Commissioner, the chairperson of the
71 Culture and Tourism Advisory Committee, the executive directors of the
72 Connecticut Housing Finance Authority, the Connecticut Development

73 Authority, Connecticut Innovations, Incorporated, and the Connecticut Health
74 and Educational Facilities Authority, or their respective designees, and any other
75 agencies the Commissioner of Economic and Community Development deems
76 appropriate.

77 (b) In developing the plan, the Commissioner of Economic and Community
78 Development shall:

79 (1) Ensure that the plan is consistent with (A) the text **[and locational guide**
80 **map]** of the state plan of conservation and development adopted pursuant to
81 chapter 297, and (B) the state's consolidated plan for housing and community
82 development prepared pursuant to section 8-37t;

83 ... {no changes in the remainder of section 32-1o}

84 Section 5. Subsection (b) of section 32-80 of the general statutes is repealed and
85 the following is substituted in lieu thereof (*Effective from passage*):

86 Sec. 32-80. (b) (1) Before July 1, 2005, the legislative bodies of three or more
87 contiguous municipalities, each of which is a public investment community and
88 has a population of not more than sixty thousand, and at least fifty per cent of
89 which municipalities are located along the same interstate highway, limited
90 access state highway or intersecting interstate or limited access state highways,
91 may, with the approval of the commissioner, designate industrial districts in
92 such municipalities as an enterprise corridor zone. (2) On or after July 1, 2005, the
93 legislative bodies of two or more contiguous eligible municipalities, at least one
94 of which is located along an interstate highway, limited access state highway or
95 intersecting interstate or limited access state highways **[and is designated as a**
96 **regional center in the locational guide map included in the state plan of**
97 **conservation and development adopted pursuant to chapter 297]**, may, with the
98 approval of the commissioner, designate such municipalities as an enterprise
99 corridor zone.

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